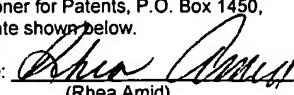




S-70.05

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 391 878 394 US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 18, 2005

Signature:   
(Rhea Amid)IPO  
Patent  
Docket No. 532212000623

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Thomas L. CANTOR

Serial No.: 10/617,489

Filing Date: July 10, 2003

For: METHODS, KITS AND ANTIBODIES  
FOR DETECTING PARATHYROID  
HORMONE

Examiner: C. Cheu

Group Art Unit: 1641

### PETITION TO EXPUNGE INFORMATION UNDER MPEP 724.06 AND 37 C.F.R. § 1.59

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to have the documents submitted with the Supplemental Information Disclosure Statement on May 18, 2005 expunged upon allowance or abandonment of this application in accordance with MPEP 724.06 and 37 CFR § 1.59.

Applicant believes expungement is appropriate for document numbers 1-11 listed on the attached Form PTO/SB/08a/b because they are SUBJECT TO PROTECTIVE ORDER in civil action number 02 CV 0046 B (JMA), *Nichols Institute Diagnostics, Inc. v. Scantibodies Clinical Laboratory, Inc. and Scantibodies Laboratory, Inc.*, currently pending in the United States District Court for the Southern District of California.

sd-258263

05/23/2005 MERKUNEN 00000050 10617489  
01 FC:1463 200.00 DA

Please return the documents to the undersigned upon allowance or abandonment of this application. Applicant acknowledges that upon the grant of this petition and return of the documents that are **SUBJECT TO PROTECTIVE ORDER** (document Nos. 1-11), Applicant will preserve the documents for the entire term of the patent.

This petition is being submitted by, or on the behalf of, the party in interest who originally submitted the information.

The Commissioner is hereby authorized to charge the required fee under 37 C.F.R. § 1.17(h) to Deposit Account No. 03-1952 referencing docket no. 532212000623. Fee Transmittal (form PTO/SB/17p) is attached in duplicate.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 532212000623. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 18, 2005

Respectfully submitted,

By \_\_\_\_\_  
Peng Chen  
Registration No.: 43,543  
MORRISON & FOERSTER LLP  
3811 Valley Centre Drive  
Suite 500  
San Diego, California 92130-2332  
(858) 720-5117



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE****Under 37 CFR 1.17(f), (g) & (h)  
TRANSMITTAL**

(Fees are subject to annual revision)

**Send completed form to:**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/617,489
Filing Date	July 10, 2003
First Named Inventor	Thomas L. CANTOR
Art Unit	1641
Examiner Name	C. Cheu
Attorney Docket Number	532212000623

Enclosed is a petition filed under 37 CFR 1.59 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 200.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :
- Petition fee under 37 CFR 1.17(f), (g) or (h)     Any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.
- Check in the amount of \$ \_\_\_\_\_ is enclosed.
- Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.

Signature

May 18, 2005

Date

Peng Chen

43,543

Typed or printed name

Registration No., if applicable